

Remarks

Claims 23-54 are pending. No new matter is added herein.

Telephone Conference

The Applicant thanks Examiner Nichols for the helpful telephone conference of June 10, 2004, wherein the restriction requirement was discussed. It is the Applicant's understanding that Groups I, II and IV will be rejoined.

Restriction Requirement

The claims in the present application are all directed to methods for promoting nerve growth in a mammal having a partially transected spinal chord. These claims were all classified in a single group (Group I) in the parent application (see the Office action dated September 27, 2002 in parent U.S. Application No. 09/825,243, which issued as U.S. Patent No. 6,641,810). As discussed with Examiner Nichols, the claims in the present application parallel the allowed claims in the parent application (issued as U.S. Patent No. 6,641,810). The only difference between the pending claims and the issued claims in U.S. Patent No. 6,641,810 is that the issued claims are directed to methods for promoting nerve growth in a mammal having a partially transected *peripheral nerve* (which were classified as Group V in the Office action dated September 27, 2002).

As discussed with Examiner Nichols, in the present Office action, Group I is drawn to the use of a non-FKBP12 binding agent. Group III is drawn to the use of an agent other than FK506. It should be noted that FK506 is an FKBP12 binding agent. Thus, Group III encompasses non-FKBP12 binding agents. Group IV is drawn to the use of a benzoquinone ansamycin; benzoquinone ansamycins are exemplary compounds that are non-FKBP12 binding agents.

As (1) all claims drawn to method of promoting nerve growth in a mammal having a partially transected spinal were classified in a single group in the parent application; (2) the claims specifically were crafted to parallel claims examined (and issued) in the parent application; (3) there is a strong relationship between the agents restricted into Groups I, II, and IV, the Applicant believes that the claims should be rejoined. The Applicant thanks the

Examiner for reconsidering the restriction requirement, and for the helpful telephone conference of June 10, 2004. In the unlikely event that the Restriction Requirement is maintained, the Applicant elects Group I, with traverse.

Conclusion

If any matters remain to be addressed before examination of the pending claims, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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